



United States Government

NATIONAL LABOR RELATIONS BOARD
Office of the Executive Secretary
1015 Half Street SE
Washington, DC 20570

August 13, 2015

Allan H. Weitzman
Proskauer Rose LLP
2255 Glades Road, Suite 421-A
Boca Raton, FL 33431

Re: The Cement League
Case 02-RC-154016

Dear Mr. Weitzman:

This acknowledges receipt of The Cement League's Motion to Strike Petitioner's Response in Opposition to Employer's Request for Review, filed with the Office of the Executive Secretary on August 11, 2015. The Cement League ("the League") seeks to strike the Petitioner's brief in opposition to the League's Request for Review because it was filed 15 days after the request for review was filed. Contrary to the League, the Petitioner's August 6, 2015 brief in opposition was not untimely filed. Accordingly, the motion to strike is **denied**.

The procedures for filing a request for review are stated at page 8 of the Regional Director's Decision and Direction of Election:

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

The language stated in the Decision and Direction of Election makes clear that a request for review may be filed "at any time...until 14 days after a final disposition of the proceeding by the Regional Director." Here, the League filed its request for review 14

days after the issuance of the Decision but prior to the final disposition of the proceeding. Therefore, the deadline for any opposition was not “triggered” under Section 102.67(e) of the Board’s Rules and Regulations. Had the League filed its request for review 14 days after final disposition by the Regional Director, the Petitioner would then have been required to file its opposition 7 days thereafter.

In light of the above, the Petitioner’s response to the League’s request for review is timely filed and has been forwarded to the Board for consideration.

Very truly yours,

Farah Z. Qureshi
Associate Executive Secretary

cc: Parties
Regional Director, Region 2